

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IRINA KRYLOVA,

Plaintiff,

No. C 12-4120 PJH

v.

ORDER

GENENTECH, INC.,

Defendant.

Before the court is the request by defendant for 1) approval of its proposed protective order regarding designation and use of confidential information, and 2) an order requiring plaintiff to return documents containing defendant's proprietary and confidential information. The court has reviewed the letter briefs submitted by the parties and orders as follows.


With regard to the latter request, plaintiff shall return all Genentech proprietary and confidential information as required by the Proprietary Information Agreement that she signed upon accepting employment at Genentech no later than Friday March 15, 2013. Plaintiff's return of the documents was inappropriately conditioned upon a promise by defendant to produce them back to her pursuant to a request for production of documents. Plaintiff's obligation to return the documents is entirely unrelated to defendant's discovery obligations. Plaintiff may propound discovery requests and defendant may respond as permitted by the federal and local rules. If plaintiff is not satisfied by any response of defendant, plaintiff must simply follow the rules by first meeting and conferring with defendant, and then filing a motion to compel if necessary. The preemptive self-help in which plaintiff is currently engaging will not be condoned by the court.

1 With regard to the protective order, it is not clear from plaintiff's March 7, 2013
2 response that a dispute remains given the following language, "Plaintiff has modified her
3 position. She does not object, in principle, to the protective order proposed by Defendant in
4 that it puts the onus on the designating party to bring a motion if the issues are not
5 resolved. Plaintiff has no objection whatsoever to the Northern District form of protective
6 order." While plaintiff does express some concern about potential over-designations by
7 defendant, it is not clear which, if any, of the minor suggested modifications to the model
8 order are objectionable.

9 Accordingly, the parties shall once again meet and confer about a stipulated
10 protective order to be submitted to the court as soon as practicable. If the parties are
11 unable to agree, they shall e-file a joint request (in letter form) no later than Friday March
12 15, 2013, that the court approve either the model order without modification or defendant's
13 proposed modified version of the model order.

14 **IT IS SO ORDERED.**

15 Dated: March 12, 2013



16 PHYLLIS J. HAMILTON
17 United States District Judge
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